

**— EXHIBIT 23 —**

**In The Matter Of:**

*Abante Rooter & Plumbing Inc, et al v.  
Alarm.com Incorporated*

---

*Joseph Colosimo  
February 27, 2018*

---

*Veritas Legal Services  
1632 Forbes Avenue*

*Pittsburgh, PA 15219*

Original File Colosimo\_Joseph 2-27-18.txt

Min-U-Script® with Word Index

1 Q. How, if at all, is Guardian different than  
2 Alliance Security?

3 A. Alliance would be classified as a dealer.  
4 They didn't have their own monitoring center, holding,  
5 buying accounts from other dealers. They bought, they  
6 sold, installed and sold their companies off.

7 Q. But Guardian also does direct marketing to  
8 customers; correct?

9 A. Correct.

10 Q. So I just want to walk through each of these,  
11 what I will call, four elements of your report. You  
12 say in your report that the -- well, let me ask you  
13 about the Code of Ethics.

14 What is the purpose of the Code of Ethics to  
15 your understanding?

16 A. So the Code of Ethics was written because  
17 there became a problem in our industry with dealer  
18 programs. So underneath the alarm company you have a  
19 dealer program, and those dealers tend to be a little  
20 bit unethical in the way they go to market,  
21 misrepresentation of who they work for, why they're  
22 there.

23 So the industry in trying to control the  
24 problems that was going on in the industry decided to  
25 write a Code of Ethics for ethical alarm companies to

1 follow to try to control the problem with dealer  
2 networks out there. That was the purpose of the Code  
3 of Ethics.

4 Q. And in order to be a member of the ESA, a  
5 company has to pledge to follow the Code of Ethics;  
6 correct?

7 A. Yes.

8 MS. SCHUCHARDT: Objection to form.

9 Q. And Guardian, it was a member when you were  
10 working there of the ESA; correct?

11 A. Yes.

12 Q. And you pledged to follow the Code of Ethics?

13 A. Yes.

14 MS. SCHUCHARDT: Objection to form.

15 Q. And in your opinion -- let me show you this.  
16 You say that --

17 MR. BRODERICK: Will you mark this as  
18 Exhibit 4?

19 (Colosimo Deposition Exhibit No. 4 was  
20 marked for identification.)

21 Q. You're not an official. You don't have any  
22 official capacity with the Electronic Security  
23 Association, do you?

24 A. I do not.

25 Q. Would you say that the Electronic Security

1 Z-W-I-R-N.

2 THE COURT REPORTER: Thank you.

3 And then we have a response to that email  
4 dated February 7th, 2018 at 8:55 a.m. Hello,  
5 Mr. Zwirn. Thank you for reaching out to the  
6 Electronic Security Association (ESA)!

7 In response to your email below, all  
8 members regardless of membership type fall under  
9 our ESA Code of Ethics policy. If you know of  
10 someone in violation, please let me know, and I  
11 can provide you with the process to file an  
12 official complaint.

13 Let me know if you have any questions.  
14 Thanks, Mike, and then below is his signature,  
15 Mike Hampton, Vice President of Customer  
16 Engagement, Electronic Security Association.

17 It seems like Mr. Hampton of the Electronic  
18 Security Association disagrees with your assertion  
19 that the Code of Ethics does not apply to an  
20 associate member.

21 MS. SCHUCHARDT: Objection.

22 A. Well, I don't read it that way. I think  
23 Mr. Zwirn did not tell him that it was a manufacturer  
24 he was asking about. He asked him about member. I  
25 believe that Mr. Hampton took it as an alarm company

1 in the organization not following the Code of Ethics.  
2 That's my belief.

3 Q. But he says in it, it applies to all members  
4 regardless of the type of membership they hold?

5 A. But if you read the code, the whole code  
6 talks about selling directly to the general public.  
7 It's about how you go to market, when you sell to the  
8 general public.

9 Manufacturers don't sell to the general  
10 public. They sell to alarm companies. This code was  
11 written around alarm companies going to market in the  
12 general public.

13 So I believe that he did not explain himself,  
14 Mr. Zwirn. When he asked him, he should have asked  
15 him is the manufacturer responsible for being held to  
16 the Code of Ethics.

17 He did not. He asked him if a member is, and  
18 he answered back, yeah. All members are responsible.

19 Q. When you say the manufacturer, but when you  
20 sign up for Alarm.com service, you sign a contract;  
21 correct?

22 A. You sign a contract with the alarm company.

23 Q. And you pay a monthly fee?

24 A. To the alarm company.

25 Q. Who then pays the fee over to Alarm.com;

1 MS. SCHUCHARDT: Let me object before  
2 you start talking. Thank you. Go ahead.

3 A. I'm sorry.

4 Q. You don't have enough facts to answer that?

5 A. I don't.

6 Q. When you were running Guardian and you have a  
7 subdealer and you find out they're doing something.  
8 You say some of these dealers were unethical, not  
9 necessarily yours, but the code was written because  
10 some of these dealers are not doing the right things.

11 If you find out they're not doing the right  
12 thing and they're violating the Telephone Consumer  
13 Protection Act marketing home alarms, wouldn't you  
14 fire that subdealer?

15 MS. SCHUCHARDT: Same objection.

16 A. Again, it's a hypothetical question you're  
17 asking me, that I would need to know all the other  
18 facts surrounding the dealer.

19 What happened? Were they a reputable dealer?  
20 Were they a very reputable dealer who had an employee  
21 do something wrong? I would take that into  
22 consideration. These are hypothetical questions that  
23 I don't have the facts to answer a question like that.

24 Q. If you had a subdealer who had entered into  
25 an injunction with the United States government

1 through the United States Department of Justice  
2 prohibiting them from violating the Telephone Consumer  
3 Protection Act, would you do business with that  
4 subdealer?

5 MS. SCHUCHARDT: Same objection.

6 A. Again, hypothetical question. A lot of facts  
7 around it. What if he's no longer doing  
8 telemarketing? Are you asking me that question?

9 Q. What if he's still doing telemarketing of  
10 your services? I mean it seems like a pretty easy  
11 one.

12 A. That's an easy one, right. So you're saying  
13 he's not allowed to be doing telemarketing. He's  
14 still doing it. Would I continue doing business with  
15 a dealer that was doing it? No, I would not.

16 Q. Where he's not allowed to do telemarketing in  
17 violation of the Telephone Consumer Protection Act,  
18 would you take steps to find out about that subdealer?

19 MS. SCHUCHARDT: Same objection.

20 MR. BRODERICK: I'm not even done with  
21 the question.

22 Q. What is your marketing program? What are you  
23 doing? How did you get into problems with your  
24 telemarketing? Would you investigate?

25 MS. SCHUCHARDT: Same objection.



1 A. If it were myself?

2 Q. Yes?

3 A. And the company that I had control over and  
4 there was a problem, would I investigate?

5 Q. Yes?

6 A. Is that the question? Yes, I would.

7 Q. I'd ask you to turn to page three of the Code  
8 of Ethics. Now, assuming that Mr. Hampton said any  
9 member of the ESA the Code of Ethics applies, even to  
10 associate members.

11 I want you to look at Representative Defined  
12 on page three, and it says the term representative  
13 includes employees, independent contractors, agents,  
14 dealers, dealer networks, associates and other  
15 individuals and entities who market or sell electronic  
16 life safety and security products and services on  
17 behalf of a member, regardless of the underlying legal  
18 arrangement between the member and the representative.

19 Would you agree with me that what they're  
20 trying to say there is it doesn't matter how you  
21 structure your relationship? If you're selling  
22 somebody's service, if you're letting somebody sell  
23 your service, they are your representative?

24 MS. SCHUCHARDT: Objection.

25 A. I don't agree with you. I told you my

C E R T I F I C A T I O N

I hereby certify pursuant to F.R.C.P. No. 30(f)(1), that the witness, JOSEPH COLOSIMO, was duly sworn by me and that the foregoing deposition is a true record of the testimony of the witness.

---

Mary Secot